

1 Laurence D. King (SBN 206423)  
2 Linda M. Fong (SBN 124232)  
3 KAPLAN FOX & KILSHEIMER LLP  
4 350 Sansome Street, Suite 400  
5 San Francisco, CA 94104  
6 Telephone: 415-772-4700  
7 Facsimile: 415-772-4707  
8 Email: [lking@kaplanfox.com](mailto:lking@kaplanfox.com)  
9 [lfong@kaplanfox.com](mailto:lfong@kaplanfox.com)

10 [Additional Counsel appear on the signature page]

11 *Attorneys for Plaintiff Gregory Brod*

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 GREGORY BROD, Individually and on  
15 Behalf of All Others Similarly Situated,

16 Plaintiff,

17 v.

18 SIOUX HONEY ASSOCIATION,  
19 COOPERATIVE, an Iowa entity,

20 Defendant.

Case No.: 12-CV-01322 EMC

CLASS ACTION

**NOTICE OF APPEAL**

Judge: Hon. Edward M. Chen

1 Notice is hereby given that Plaintiff Gregory Brod in the above named case hereby  
2 appeals to the United States Court of Appeals for the Ninth Circuit from (1) the Judgment (Dkt.  
3 75); and (2) the Order Granting Defendant Sioux Honey Association, Cooperative's ("Sioux  
4 Honey") Motion to Dismiss Second Amended Complaint (Dkt. 74), both entered in this action on  
5 February 27, 2013; and (3) the Order Granting Defendant Sioux Honey's Motion to Dismiss First  
6 Amended Complaint (Dkt. 52), entered September 11, 2012.

7 DATED: March 28, 2013

Respectfully submitted,

8 KAPLAN FOX & KILSHEIMER LLP

9  
10 By: /s/  
Laurence D. King

11 Laurence D. King (SBN 206423)  
12 Linda M. Fong (SBN 124232)  
350 Sansome Street, Suite 400  
13 San Francisco, CA 94104  
Telephone: 415-772-4700  
14 Facsimile: 415-772-4707  
[lking@kaplanfox.com](mailto:lking@kaplanfox.com)  
15 [lfong@kaplanfox.com](mailto:lfong@kaplanfox.com)

16 Robert I. Lax, Esq.  
*Admitted pro hac vice*  
17 Lax LLP  
380 Lexington Avenue, 31st Floor  
18 New York, New York 10168  
Telephone: (212) 818-9150  
19 Facsimile: (212) 818-1266  
[rlax@lax-law.com](mailto:rlax@lax-law.com)

20 Jon Herskowitz, Esq.  
*Admitted pro hac vice*  
21 Baron & Herskowitz  
9100 S. Dadeland Blvd.  
22 Ph-1 Suite 1704  
Miami, Fl. 33156  
23 Telephone: (305) 670-0101  
24 Facsimile: (305) 670-2393  
[jon@bhfloridalaw.com](mailto:jon@bhfloridalaw.com)

25 *Attorneys for Plaintiff Gregory Brod*  
26  
27  
28